

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN M. TOWNSEND,)	3:09-cv-00351-ECR-VPC
)	
Plaintiff,)	
)	<u>MINUTES OF THE COURT</u>
v.)	
)	
BRUCE BANNISTER, <i>et al.</i> ,)	
)	December 6, 2011
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Defendants filed a motion for summary judgment, and in connection with that motion they filed a motion to file Exhibit D, consisting of plaintiff's mental health records, *in camera* and under seal (#41 and #42). Plaintiff opposed the motion for summary judgment and argued that he should be given access to Exhibit D (#51), and defendants replied (#54). Defendants then filed a correspondence with the court styled "Defendants' notice regarding plaintiff's denial of access to exhibits filed under seal" regarding the filing of *in camera* exhibits (#55), in which they further explained the need to file plaintiff's mental health records under seal.¹ Plaintiff filed a document styled "Notice to the court," in which he argues that the court should grant plaintiff access to Exhibit D (#57).²

¹ On June 2, 2011, plaintiff filed correspondence with the court inquiring about the status of the case (#47). It became clear that plaintiff had not been served with defendants' motion for summary judgment and motion to file documents *in camera*. Defendants re-served both motions at that time. When defendants re-served the motions, they directed plaintiff to request to review the documents that had been filed under seal at the Warden's office. Defendants' counsel erred in this instruction and plaintiff was unable to view the documents filed under seal. Defendants then filed a "Notice regarding plaintiff's denial of access to exhibits filed under seal" (#55), and plaintiff filed a "Notice to the court" in opposition (#57).

² To the extent plaintiff's "Notice to the court" (#57) is an additional opposition to defendants' motion for summary judgment, filing additional oppositions to a motion without the court's

leave is not provided for under Local Rule 7-2(b) and the court will only consider plaintiff's first opposition.